1951

File No. Inams II

BS I (N)

Legal Department

B **BRANCH**

Subject:— Notifications regarding Inams

File No. Inams II/51 (N)

Gen. 194 e.

630-B

Office of the A.G.A.

from her the facts stated in the preamble of the Government Resolution, Revenue Department No. 6830/28-Confl., dated the 8th January 1932, it appears that the concession in the form of a grant of cash allowances to those persons who were non-Khatedars or of remission of assessment to those who were occupants of lands amounts to an inam. In fact the Commissioner, Northern Division, in paragraph 3 of his letter No. CNE-154, dated the 10th June, 1931 printed in the preamble of the said Government Resolution has stated as below :

"I think that something must be done to reassure those who have had to give up the posts of patel. Undoubtedly many received promises of permanent appointment and I suggest that the grant of an inam by remission upto Rs. 20/- during the lifetime of the displaced officiator in the case of those who are occupants of land and in the case of non-Khatedars a cash allowance of Rs. 10/- per annum for life would be a suitable way of rewarding these men," accordingly the orders in the aforesaid Government Resolution were issued. The heading of the statement accompanying the Government Resolution was in the following terms :-

" statement showing the names of temporary patels in the Ahmedabad, Kaira and Surat Districts who have ceased to officiate and who are to be granted cash allowances or remission of assessment for the lifetime of the grantees in recognition of their serv

services to Government during the civil disobedience movement, as shown below."

2. The cash allowance or the remission of land revenue would be deemed to be "grant of money or land revenue" within the meaning of section 3 of the Pensions Act, 1871, and under section 4 of that Act the right of a civil court to entertain any suit relating to cash allowance or remission of land revenue has been barred. It is held by the Privy Council in Deo Kuar v. Man Kuar (1894) 21 I.A. 148 (P. 150) that the expression " grant of money or land revenue" in section 4 of the Pensions Act is interpreted to include anything payable on the part of Government in respect of any right, privilege, perquisite or office. But this legal position would not empower Government to discontinue such cash allowance or remission of land revenue by mere executive orders (Article 31(1) of the constitution of India provides that no person shall be deprived of his property save by authority of law. It is therefore necessary to introduce a legislation for the purpose.

Remembrancer of Legal Affairs.

Memo. to M.D.No. 629-Confl. dated the 2nd July, 1951.

SBM / 18/7/55.